

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
FILE NO. 5:08-cv-00403-FL

SMD SOFTWARE, INC., a North Carolina corporation, and SITELINK SOFTWARE, LLC, a North Carolina limited liability company,

Plaintiffs,

vs.

EMOVE, INC., a Nevada corporation, and WEB TEAM ASSOCIATES, INC., a Nevada corporation,

Defendants.

**ORDER GRANTING DEFENDANTS'  
MOTION TO FILE CERTAIN PORTIONS  
OF THEIR MEMORANDUM OF LAW IN  
SUPPORT OF THEIR MOTIONS *IN*  
*LIMINE* AND CERTAIN EXHIBITS TO  
THEIR MEMORANDUM OF LAW IN  
SUPPORT OF THEIR MOTIONS *IN*  
*LIMINE* UNDER SEAL**

This the 18th day of November, 2013, Defendants Motion to File Certain Portions of their Memorandum of Law in Support of their Motions *in Limine* and Certain Exhibits to their Memorandum of Law in Support of their Motions *in Limine* Under Seal, which was filed with the consent of Plaintiffs, is GRANTED and the following materials SHALL BE FILED UNDER SEAL: (1) those few portions of the memorandum that contain the parties' confidential information, (2) Dr. Didow's August 29, 2013 Report, which is attached as Exhibit A to the memorandum, (3) Defendant eMove's financial statements, which are attached as Exhibit C to the memorandum, (4) the Plaintiffs' Revenue by Type Document, SMD 0655, which is attached as Exhibit G to the memorandum, (5) excerpts from Ross Lampe's/Plaintiffs' 30(b)(6) August 24, 2010 Deposition Transcript, which are attached as Exhibit O to the memorandum, and (6) excerpts from Ross Lampe's/Plaintiffs' 30(b)(6) August 25, 2010 Deposition Transcript, which are attached as Exhibit P to the memorandum (hereinafter collective "the Proposed Sealed Materials").

The Court further finds that:

1. The Defendants' Motion is consented to by all the parties;
2. The Proposed Sealed Materials all contain material designated as "confidential" by the parties, namely non-public information regarding: the parties' financial information and business history, the parties' customer loyalty rates, and the functionality and capabilities of the parties' software products;
3. The nature and quality of such material justifies sealing the material, despite the competing interests of the public, because the publication of such private and confidential information would be harmful to the parties' business interests and competitive standing, and no alternative to sealing is adequate; and
4. The parties' interests in maintaining the confidentiality of these documents and information override any constitutional or common law right of public access which may attach to the documents and/or information at issue.

SO ORDERED, this the 18th day of November, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

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LOUISE W. FLANAGAN  
United States District Court Judge